

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

MANZURAL KHAN

V.

COLLEGE OF THE MAINLAND

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CIVIL ACTION NO. G-13-436

OPINION AND ORDER

On May 2, 2014, Defendant, College of the Mainland (COM), filed its opposition to the Motion for Leave to File an Amended Complaint of Plaintiff, Manzural Khan. The Court now issues this Opinion and Order.¹

The Court set May 19, 2014, as the due date for the filing of a reply, but to date, no reply has been filed by Khan. In its opposition, COM argues that Khan's attempt to add a breach of contract claim to his suit would be futile because COM has sovereign immunity against such an action in this federal forum. Nationwide Public Insurance Adjusters, Inc. v. Edcouch-Elsa ISD, 913 F.Supp. 2d 305, 310 (S.D. Tex. 2012) (Section 271.156, Tex. Loc. Gov't. Code, "does not waive sovereign immunity to suit *in federal court*.")) This Court agrees. Khan's lack of a reply may also indicate his concession. Regardless, a breach of contract claim in this case would be barred.

It is, therefore, **ORDERED** that Plaintiff, Manzural Khan's, "Motion for Leave to File Plaintiff's First Amended Complaint" (Instrument no. 11) is **DENIED**.

DONE at Galveston, Texas, this 28th day of May, 2014.



John R. Froeschner
United States Magistrate Judge

¹ A Motion for Leave to Amend is a non-case dispositive matter. Bryant v. Mississippi Power & Light Co., 722 F.Supp. 298 (S.D. Miss. 1989)